

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to child care medical services and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 249A.

Purpose and Summary

The Department is proposing to change the forms used in the prior authorization approval process for medical child care. The revised form will provide greater detail on the child’s medical and behavioral needs.

Medical child care is specialized child care for children with significant medical needs and developmental delays. Medical child care combines traditional child care and nursing care and provides additional services, including on-site therapy such as physical, occupational and speech therapies. Medically necessary services are provided under a plan of care that is developed by licensed professionals within their scope of practice and authorized by the member’s physician. Children who are eligible for Medicaid and who have medically necessary services are eligible for medical care. Hours are determined through a prior authorization process and use of the updated form.

Changes were made to the form to better align with and capture the needs of the children, including those on the autism spectrum.

Fiscal Impact

This rule making will change the required forms used in the prior authorization approval process for medical child care. The new form could allow for additional hours of service to be authorized for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days. The expected increase in utilization is not known with certainty so the Department has calculated a range estimate. The fiscal impact based on an additional two authorized hours of service for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$485,000 to \$739,000 in total dollars, of which the State will pay \$179,000 to \$273,000. The fiscal impact based on the maximum hours allowed per facility for the current population (131 children) at a rate of \$23.95 per hour with a center open for approximately 250 days with utilization ranging from 65.7 percent to 100 percent ranges from \$600,000 to \$919,000, of which the State will pay \$223,000 to \$339,000. Based on the above assumptions, the anticipated State dollar impact will be between \$179,000 and \$339,000.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Nancy Freudenberg
Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subparagraph **78.57(6)“c”(12)** as follows:

(12) ~~Forms 470-4815 and 470-4816 are~~ Form 470-5686 is utilized during the prior authorization review.